

Opening Statement By Chairman Vernon J. Ehlers

Good morning ladies and gentleman. The Committee on House Administration will come to order. The purpose of today's hearing is to discuss the issues of non-citizen voting and identification requirements in federal elections.

Although it is a crime for non-citizens to vote in federal elections, most states have no procedures in place to prevent it from happening. To demonstrate that non-citizen voting is a real and relevant threat to the elections process, I will offer for inclusion in the record a release from the Department of Justice that details multiple prosecutions they have brought against non-citizens who cast votes illegally.

While these successful prosecutions prove this type of election fraud is taking place, they represent a small fraction of a larger problem. Our criminal justice system is not well equipped to prevent election fraud. Inadequate processes make fraud difficult to detect. Even when there is evidence of a problem, the cases can be difficult to prove. Investigations are met with resistance and recalcitrant witnesses. Faced with limited resources and competing demands, prosecutors often do not pursue cases, even when evidence suggests there may be a violation. Consequently, enforcement of violations after the fact is problematic, and infrequent.

Unfortunately, our current procedures also make it difficult to stop voting by non-citizens before it occurs. In most states, the process amounts to an honor system, failing to recognize that we cannot rely on the honor of those among us who are inclined to commit fraud. Especially in cases where the law has already been broken by individuals who choose to say in the United States illegally.

The Help America Vote Act of 2002 required the Federal Registration Form to include a box prospective registrants would have to check to certify that they are a citizen. If the person indicates they are not a citizen, they are not to complete the form. If the box is not checked, the form is supposed to be returned to the applicant for completion.

In practice, forms without the box checked are often processed, potentially registering non-citizens. Even when the box is checked, the election official is relying on the truthfulness of the certification, and cannot verify it with any further documentation.

A few weeks ago, a candidate for federal office was recorded advising an audience that they "did not need papers to vote." This remark may have been impolitic, but it was not inaccurate. The fact is, it is possible to register and vote in this country without ever having to provide proof of citizenship. This is a problem--and it deserves thoughtful attention from this Committee in order to explore possible solutions.

Our first panel of witnesses today includes the Honorable Henry J. Hyde, Member of Congress; and the Honorable James R. Langevin, Member of Congress. Welcome to our fellow distinguished Members of Congress, and thank you for being with us today.

Our second panel of witnesses today includes Ray Martinez, Vice Chairman, United States Election Assistance Commission; Patrick Rogers, Attorney, Modrall Sperling, Roehl, Harris & Sisk, New Mexico; Paul Bettencourt, Tax Assessor-Collector and Voter Registrar, Harris County, Texas; and, Wendy Noren, County Clerk, Boone County, Missouri. Welcome to our second panel of witnesses.

Finally, on our third panel today we have Dan Stein, President, Federation for American Immigration Reform; Daniel Calingaert, Associate Director, Center for Democracy and Election Management at American University; Spencer Overton, Professor, The George Washington University Law School; and, Christine Chen, Executive Director, Asian Pacific Islander American Vote. Welcome to our third panel, and I thank you each of you for being with us today.

At this time, I would like to recognize the Ranking Member, Ms. Millender-McDonald, for any opening remarks she may have.

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